

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CC Docket No. 98-170

In the Matter of)
)
Truth-in-Billing)
and)
Billing Format)
)

REPLY COMMENTS ON PETITIONS FOR RECONSIDERATION

Time Warner Telecom (TW Telecom) hereby submits its reply comments on the petitions for reconsideration of the Commission's First Report and Order in the above-captioned Truth-in-Billing proceeding,¹ and states as follows:

On September 14, 1999, TW Telecom submitted comments on the petitions for reconsideration in which it supported in part those petitions. Specifically, TW Telecom supported those petitioners who requested that the Commission reconsider and modify the "New Service Provider" requirement contained at Section 64.2001(a) of the Commission's Rules, and that it reconsider its ill-advised "Deniable/Non-deniable" rule set forth at Section 64.2001(c) which requires billing carriers to identify on consumer bills which billed services could result in termination of local exchange telephone service if the charges are unpaid. In addition, TW Telecom concurred with those petitioners who have asked the Commission to modify its requirements that carriers utilize standard Commission-prescribed labels to identify on consumer bills charges resulting from

¹ In the Matter of Truth-in-Billing and Billing Format (First Report and Order and Further Notice of Proposed Rulemaking), FCC 99-72, released May 11, 1999.

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federal regulatory actions and to adopt instead a flexible “rule of reason” approach which would allow billing carriers reasonable discretion in describing such charges in manners they deem appropriate to communicate such charges to their customers.

In addition to the specific changes to the Truth-in-Billing rules requested by petitioners, TW Telecom asked the Commission to exempt all small telecommunications carriers (not just small and rural incumbent local exchange carriers) from the burdensome requirements of the Truth-in-Billing rules as has been recommended by the United States Small Business Administration. Finally, TW Telecom joined several of the petitioners for reconsideration in urging the Commission to clarify that the Truth-in-Billing rules are neither necessary nor appropriate for sophisticated business customers and that the rules should not be applicable to arrangements between carriers and such customers.

Significantly, none of the comments filed in response to the petitions for reconsideration opposed any of the relief requested by petitioners and supported by TW Telecom. Not a single commenting party disputed the assertions of petitioners and supporting commenters like TW Telecom that the New Service Provider rule and the Deniable/Non-deniable rule are inappropriate, unworkable, and unnecessary to protect consumers against unauthorized charges or unauthorized carrier selections. Neither did any commenter question or dispute the record of evidence that billing carriers do not currently possess the capability in their billing systems to do “stare and compare” billing – needed to enable carriers to identify new service providers under the rule as currently promulgated. Neither did any of the commenting parties dispute the notion that the costs of implementing the billing system changes needed to comply with those rules

as written would be burdensome, would ultimately be borne by consumers, and would far exceed any conceivable benefit.

In the absence of any objection whatsoever to the consensus positions asserted by petitioners and other commenters, there is no reason for the Commission not to modify the New Service Provider rule as suggested by petitioners and by supporting commenters including TW Telecom, and to reconsider imposition of the Deniable/Non-deniable rule. In addition, the comments submitted in response to the petitions for reconsideration lend further credence to the notion that the strictures of the Commission's Truth-in-Billing requirements in general and the New Service Provider rule, the Deniable/Non-deniable rule, and the requirement to use of Commission-prescribed labels to identify charges related to federal regulatory charges in particular, are unnecessary for billing of services provided to business customers, and will undermine the efforts of carriers serving those customers to develop billing formats and content responsive to carrier perceptions of those business customers' needs.

For the foregoing reasons as well as those set forth by TW Telecom in its initial comments filed in this proceeding, TW Telecom supports the petitions for reconsideration and urges the Commission to reconsider its order and to modify and

eliminate certain of the rules promulgated therein in accordance with the views expressed in those initial comments as well as in these reply comments.

Respectfully submitted,

TIME WARNER TELECOM

A handwritten signature in black ink, appearing to read 'MFB', is written over a horizontal line.

Mitchell F. Brecher

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September 24, 1999

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CERTIFICATE OF SERVICE

I, Melodie Kate, a secretary in the law firm of Greenberg Traurig, certify that I have this 24th day of September, 1999, caused a copy of the foregoing **Reply Comments on Petitions for Reconsideration** to be served via first-class mail, unless otherwise indicated, upon the persons listed below:


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